

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SHIRLEY GIBSON, *et al.*

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 3:23cv33-TSL-MTP

CITY OF LEXINGTON, MISSISSIPPI

DEFENDANT

RULE 16(a) INITIAL ORDER

This matter is set for a TELEPHONIC CASE MANAGEMENT CONFERENCE (CMC) on **July 28, 2023 at 11:30 a.m.** before Magistrate Judge Michael T. Parker. Counsel should send their case memoranda to:

Magistrate Judge Michael T. Parker
United States Courthouse
701 N. Main Street, Suite 216
Hattiesburg, Mississippi 39401
601.255.6370 Tel
601.255.6371 Fax
parker_chambers@mssd.uscourts.gov

The parties are to dial the court's conference line (1.888.273.3658, code 1055457) to connect to the call.

No later than twenty-one (21) days prior to the CMC, counsel shall confer regarding all matters set forth in Fed.R.Civ.P. 26(f) and L.U.Civ.R. 26(f). The parties shall serve their initial disclosures as required by Fed.R.Civ.P. 26(a) seven (7) days prior to the case management conference.

No later than fourteen (14) days after the attorney conference, seven (7) days prior to the CMC, the parties shall submit a proposed case management order to the judge only. This submission shall not be filed with the Clerk of Court. By the same deadline, the parties shall also submit a Confidential Memorandum (3 page maximum) setting forth a brief explanation of the case, and a candid appraisal of the respective positions, including possible settlement figures. The parties will also furnish in their memorandum a good faith estimate of the expense of carrying the litigation through trial and the appellate process, if not settled, and will have discussed these costs with their respective clients. These memoranda are not to be exchanged and will be viewed only by the Court. Further, these memoranda shall not be filed with the Clerk of Court.

Upon receipt and examination of the proposed case management order and confidential memoranda, the Court will determine if the case management conference will remain telephonic, will be converted to an in-person conference, or a case management order will be entered based upon the submissions of the parties.

THE FAILURE OF ANY PARTY TO TIMELY SUBMIT THE PROPOSED CASE MANAGEMENT ORDER AND CONFIDENTIAL MEMORANDA SHALL REQUIRE ATTENDANCE IN PERSON BY ALL DEFAULTING COUNSEL AT THE CASE MANAGEMENT CONFERENCE. ALL ATTORNEYS OF RECORD FOR THE DEFAULTING PARTY SHALL BE REQUIRED TO ATTEND AND THE CONFERENCE SHALL NOT BE SUBJECT TO RESCHEDULING. SANCTIONS WILL BE IMPOSED AT THE CONFERENCE.

At the case management conference, the Court and the parties shall:

1. Identify the principal factual and legal issues in dispute;
2. Identify the alternative dispute resolution procedure which counsel intend to use, or report specifically why no such procedure would assist in the resolution of the case;
3. Indicate whether all parties consent to jurisdiction by a magistrate judge;
4. Review the parties' compliance with their disclosure obligations and consider whether to order additional disclosures;
5. Determine whether to order early filing of any motions that might significantly affect the scope of discovery or other aspects of the litigation, and provide for the staged resolution, or bifurcation of issues for trial consistent with 42(b) Fed.R.Civ.P.;
6. Determine the plan for at least the first stage of discovery, impose limitations on each discovery tool, time periods and other appropriate matters;
7. Discuss the timing for the Rule 16(g) settlement conference;
8. Discuss scheduling and set appropriate scheduling deadlines including dates for settlement conference, completion of discovery, motions, final pretrial conference and trial. The parties should be prepared to discuss prior conflicts with the trial date.
9. Verify that counsel are registered for electronic document filing and are familiar with the Administrative Procedures for Electronic Filing.

A case management order shall be entered by the Court within fourteen (14) days of the conference. The parties shall not complete the scheduling order (page 2) until the CMC.

The uniform Local Rules, form case management order, and a case management time line are available on the court website at www.mssd.uscourts.gov.

June 27, 2023

UNITED STATES MAGISTRATE JUDGE

s/Michael T. Parker